



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 27, 2008

BY FACSIMILE

The Honorable Shira A. Scheindlin
United States District Judge
United States Courthouse
500 Pearl Street, Room 1620
New York, New York 10007
Fax: (212) 805-7920

Re: United States v. Beverly Williams
07 Cr. 257 (SAS)

RECEIVED
CHAMBERS OF

AUG 27 2008

JUDGE SCHEINDLIN
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>8/28/08</u>

Dear Judge Scheindlin:

The Government writes respectfully to request that the Court set a conference date in the above-referenced matter. The defendant's counsel, Patrick Joyce, Esq., wrote to the Court in March asking that the Court hold in abeyance the defendant's pending motion to dismiss a portion of the Indictment so that the defendant could consider a plea offer extended by the Government, which would effectively render the motion moot. Following the defendant's March 6, 2008 letter to the Court, I was informed by defense counsel that Ms. Williams was not inclined to accept the Government's plea offer, and that defense counsel would notify the Court in writing that a new briefing schedule on the pending motion should be set.

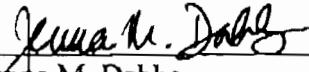
Thereafter, on May 5, 2008, the defendant submitted a letter to the Court asking that a briefing schedule on the pending motion be set, and consenting to the exclusion of time under the Speedy Trial Act in connection with whatever briefing schedule was set by the Court. To the Government's knowledge, no briefing schedule was decided upon at that time or thereafter, however, the Government writes to inform the Court that it does not intend to oppose the defendant's motion. In short, for purposes of this case going forward, the Government does not intend to proceed to trial on that conduct alleged in the Indictment which extends beyond the five years immediately preceding the filing of the Indictment, and will seek to modify the Indictment accordingly. The Government does intend to take the position, however, in any

*A conference is scheduled for
September 1 at 4:30
as ordered
GJF 8/28/08*

sentencing in connection with this matter, that conduct beyond that time period constitutes relevant conduct that is properly considered by the Court, see United States v. Silkowski, 32 F.3d 682, 687-88 (2d Cir. 1994), and further to make any appropriate motions in limine relating to the introduction of evidence concerning that prior time period should this matter proceed to trial.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By: 
Jenna M. Dabbs
Assistant United States Attorney
(212) 637-2212

cc: Patrick J. Joyce, Esq. (by facsimile)